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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,615	05/19/1999	GEORGE E. CARTER	99P7593US	5452

7590 06/20/2002

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EXAMINER
SING, SIMON P

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary	Application No.	Applicant(s)	
	09/314,615	CARTER ET AL.	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☒ Claim(s) 3 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 19 May 1999 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

2. The drawings are objected to because in figure 3, signal line "To Line Output of SC" is mislabeled. It should be labeled as "From Line Output of SC". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 recites the limitation "the another audio transducer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown US Patent 5,822,406.

6.1 Regarding claim 1, Brown discloses an apparatus for directing audio signals between audio transducers and a system in figures 1B and 2, comprising:

a plurality of ports [switching and line interface circuitry 111] for communicating audio signals with a plurality of audio transducers [local telephone 201, speaker 220, microphone 227, handset 226, earphone 223], at least one of the audio transducers [local telephone 201] having off-hook capability;

a transducer switch [switching and line interface circuitry 111, SAFE 1, SAFE 2, and modem controller 112], coupled to the plurality of ports, that receives a configuration for the plurality of audio transducers and that, in response to detecting an

off-hook condition (column 4, lines 33-40, 56-60) of at least one of the audio transducers having off-hook capability.

Brown's system inherently is able to switch audio signals from one of the audio transducers to the off-hook audio transducer for which the off-hook condition was detected as shown in figure 4. Brown states that the local telephone 201 is coupled to a detector and a local phone off-hook detect (LPOHD) control signal is generated to inform the computer system that local telephone 201 has been pick up (column 4, lines 56-60). In addition, the LPOHD control signal is constantly monitored during different operating modes (Table 1, Command Column), and the purpose of monitoring the LPOHD control signal is to switch the audio signals from other transducers to the local telephone 201, when the local telephone 201 is being picked up.

6.2 regarding claim 2, Brown's system in claim 1, wherein said transducer switch includes:

a controller [modem controller 112] that receives said configuration (column 4, lines 33-37); and

a switch [switching and line interface circuitry 111] coupled to the plurality of ports and to said controller column 4, lines 25-31); and

wherein said switch switches responsive to receiving a signal from said controller to indicate detection of said off-hook condition (column 4, lines 33-40, 56-60);

6.3 Regarding claim 3, Brown's system in claim 2, inherently is able to switch an audio signals back from the on-hook audio transducer to another audio transducer wherein the switch receives a signal from the controller when the off-hook audio transducer goes on-hook.

6.4 Regarding claim 4, Brown's system of claim 2, wherein the switch includes a first switch [SAFE 2, switch 216 and plug switches] for selecting one of the audio transducers that does not have off-hook capability and a second switch [modem controller 112] for selecting between the audio transducer selected by the first witch and an audio transducer that has off-hook capability.

6.5 Regarding claim 5, Brown's system of claim 2, wherein the controller 112 receives the configuration for the plurality of audio transducers from a computer system (column 4, lines 21-33).

6.6 Regarding claim 6, Brown's system in claim 1, wherein the off-hook transducer is a normal telephone (column 4,lines 56-60).

6.7 Regarding claim 7, Brown's system in claim 1, wherein the plurality of audio transducers are microphone 227, headset 223, handset 226 and speakers 219 and 220, amplifiers 215, 217, 221 and 224, and standard telephone 201.

6.8 Regarding claim 8, Brown's system in claim 1 further comprising:

audio circuitry [modem/computer interface 115] that communicates audio signals between the transducer switch and the system, said system comprising a computer system (Figure 1B).

6.9 Regarding claim 9, Brown's system in claim 8, wherein said at least one of the audio transducers [standard telephone 201] is a telephony device.

6.10 Regarding claim 10, Brown's system in claim 8 inherently comprises a sound card internal to said computer system (Figures 1A and 1B).

6.11 Regarding claim 11, using an external sound card instead of an internal one is just a design choice.

6.12 Regarding claim 12, Brown's system in claim 1 is used for computer telephony (column 9, lines 53-65).

6.13 Regarding claim 13, Brown's system in claim 1 is used for messaging system (column 9, lines 1-16; column 8, lines 59-67; Figures 4 and 5).

6.14 Regarding claim 14, Brown discloses a method for managing audio transducers in figures 1B and 2, comprising:

receiving a configuration for a plurality of audio transducers (column 4, lines 25-33), said configuration specifying that audio signals are to be sent to a first audio transducer and received from a second audio transducer (column 6, lines 12-21);

detecting a third audio transducer has been turn on (column 4, lines 33-40, 56-60).

Brown's system inherently is able to change the configuration such that audio signals are received from the third audio transducers [telephone 201] instead of the second audio transducer as shown in figure 4. Brown states that the local telephone 201 is coupled to a detector and a local phone off-hook detect (LPOHD) control signal is generated to inform the computer system that the local telephone 201 has been pick up (column 4, lines 56-60). In addition, the LPOHD control signal is constantly monitored during different operating modes (Table 1, Command Column), and the purpose of monitoring the LPOHD control signal is to switch the audio signals from other transducers to the local telephone 201, when the local telephone 201 is being picked up.

6.15 Regarding claim 15, Brown's system in claim 14, inherently is able to change the configuration such that audio signals are sent to the third audio transducer [telephone 201] instead of the first audio transducer for the same reason discussed in claim 14.

6.16 Regarding claim 16, Brown's system in claim 14, further comprising:

detecting that the third audio transducer has been turn off (column 4, lines 37-40; column 10, lines 57-62); and

by inherency, restoring the configuration that audio signals are received from the second audio transducer instead of the third audio transducer (back to the previous configuration).

6.17 Regarding claim 17, Brown's system in claim 14, further comprising setting the configuration in an audio device between the plurality of audio transducers and a computer system, wherein said configuration is received from the computer system (column 4, lines 6-10, 25-33).

6.18 Regarding claim 18, Brown's system in claim 17, wherein the configuration is input by a user utilizing a graphical user interface (column 4, lines11-14).

6.19 Regarding claim 19, Brown's system in claim 18, further comprising:

allow a user to select one of an input or output audio transducer (column 4, lines 6-10, 25-33); and

automatically selecting a default corresponding input or output audio transducer according to the user's selection (column 4, lines 33-37).

6.20 Regarding claim 20, Brown's system in claim 14, wherein the third audio transducer is a telephony device and is turned on by going off hook (column 4, lines 56-60).

6.21 Regarding claim 21, Brown's system in claim 14, further comprising setting the configuration in an audio device coupled to the plurality of audio transducers, said audio device being a sound card, and by inherency the computer system of Brown has a sound card (Figures 1A and 1B).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Beck et al. US Patent 5,515,432, discloses a two-line telephone controller, which disconnect a modem from telephone line when a local telephone is off-hook (column 5, lines 54-59; column 6, lines 7-12).

b) Rizzo US Patent 6,049,605, discloses a telephone line access arrangement, which gives priority to a local telephone over a modem (column 2, lines 57-65).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

S.S.

06/17/2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
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